

STATUS OF CLAIMS

Claims 1-46 are pending.

Claims 1-46 are subject to restriction.

No claims have been amended.

REMARKS

POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Applicant submitted a new Power of Attorney and a change of correspondence address on January 9, 2008. A Notice of Acceptance of Power of Attorney was mailed January 14, 2008. Applicant respectfully requests that all correspondence regarding this application be addressed to the attorneys of record at the address associated with Customer Number 45,722.

REQUEST TO RESET MAILING DATE OF OFFICE ACTION

It is respectfully requested that the period for response to the Office Action having a mailing date of August 23, 2007, be reset, on the grounds that the Patent and Trademark Office failed to update the Applicant's address, despite being notified of the change of address by prior counsel, and further failed to re-mail the Office Action to Applicant's updated address despite return of mail by the Post Office, in violation of Office procedures as set forth in MPEP Section 707.13.

The Office was notified of the Applicant's new address by prior counsel in their Request for Withdrawal as Attorney filed June 27, 2006. This document is

listed in PAIR as "Power of Attorney." This document specifically recites Applicant's then-current address, namely:

T. Thaddeus Marshall, Esquire
1241 Oaks Boulevard
Winter Park, Florida 32789

The June 27, 2006 paper filed by prior counsel further states: "The undersigned attorney of record...requests the PTO to approve this request for withdrawal as attorney and direct all further correspondence to the applicant as identified above."

The Office approved this request by prior counsel to withdraw on August 7, 2006. At this point, the Office should have begun mailing all papers in the present application to the Florida, address provided by prior counsel. Instead, the Office erroneously mailed the Applicant's copy of the approval to withdraw to the Applicant's former New Jersey, address. As reflected in the Image File Wrapper (IFW) accessed via PAIR, Applicant's copy of the approval was returned to the Office as undeliverable on August 25, 2006.

Thus, the Office was notified of Applicant's new address on June 27, 2006. The Office was clearly aware, by virtue of the returned mail, on August 25, 2006, that the New Jersey address was not the correct address.

Nevertheless, according to the IFW, the Office erroneously mailed an Office Action, in substance the same as the present Office Action, to Applicant's old address in New Jersey on February 26, 2007. The February 26, 2007, Office Action was returned by the Post Office on March 8, 2007, as reflected in the IFW.

PAIR shows an Office Action bearing a mailing date of June 8, 2007, but again directed to Applicant's old address in New Jersey. The IFW further shows the present Office Action, bearing a mailing date of August 23, 2007, again bearing Applicant's old address in New Jersey. The IFW shows an image of this Office Action stamped received on September 10, 2007, indicating that the present Office Action was returned by the Post Office. PAIR does not reflect any further effort by the Office to mail the Office Action.

The Office's awareness that the Medford, New Jersey address is no longer operative is reinforced by the appearance in the IFW of a Notice of Acceptance of Power of Attorney, dated August 23, 2007, for Application No. 10/326,972, addressed to Applicant's address in Winter Park, Florida, as noted above. However, there is no indication in the file that the Office mailed any paper in the present application to the Winter Park, Florida address. Moreover, the present Applicant is not an inventor on Application No. 10/326,972.

The Office has failed to follow its own procedures for returned Office Actions in this matter. These procedures are set forth MPEP Section 707.13:

Office actions are sometimes returned to the Office because the United States Postal Service has not been able to deliver them. Upon receipt of the returned Office action, the Technology Center (TC) technical support staff will check the application file record to ensure that the Office action was mailed to the correct correspondence address. If the Office action was not mailed to the correct correspondence address, it should be stamped "remailed" with the remailing date and mailed *to the correct correspondence address*. The period running against the application begins with the date of remailing.

MPEP Section 707.13 (emphasis added).

Thus, the present Office Action should have been remailed to the *correct* correspondence address, i.e., the Winter Park, Florida address that the Office has had on file since June 27, 2006. As the Office failed to refile the Office Action to the most recent correspondence address on file, despite the Office Action having been returned repeatedly by the Post Office, the response period for the present Office Action should be reset.

CONDITIONAL PETITION TO RESET MAILING DATE AND AUTHORIZATION TO CHARGE PETITION FEE TO DEPOSIT ACCOUNT

While no petition is believed to be required to reset the mailing date of the Office Action dated August 23, 2007, if the Office deems that a petition is required, then: Applicant respectfully conditionally petitions the Commissioner to reset the mailing date of the Office Action dated August 23, 2007, for the reasons set forth above. Please charge the Petition Fee to Deposit Account No. 50-3208.

CONDITIONAL PETITION FOR EXTENSION OF TIME AND AUTHORIZATION TO CHARGE PETITION FEE TO DEPOSIT ACCOUNT

In the alternative, if the present request and conditional petition to reset the mailing date are denied, then, as the present Office Action was remailed on August 23, 2007, the period running against the present application begins no earlier than August 23, 2007. This is consistent with PAIR, which reflects, in the Transaction History, a "Mail Notice of Restarted Response Period," and a "Letter Restarting Period for Response," both having a date of August 23, 2007. Moreover, in accordance with the above-quoted portion of MPEP Section 707.13, the period running against an application begins with the date of remailing of the Office Action. Accordingly, Applicant hereby Petitions for a four month extension of time

under 37 C.F.R. 1.136(a). Please charge the Extension Fee to Deposit Account No. 50-3208.

STATUS OF APPLICATION - NOT UNDER ACCELERATED EXAMINATION

The present Office Action includes a copy of a Form PTOL-328AE, "Office Action Summary for Applications Under Accelerated Examination," bearing the Application number and other identifying information for the present application in the caption, but with no indication of claim status or other material noted in the body of the form.

Applicant notes for the record that the present application is not under accelerated examination. Indeed, PAIR does not reflect any request for special status, or a grant of special status. Thus, the use of the Form PTOL-326AE appears to have been inadvertent.

RESTRICTION OF CLAIMS 1-48

In the Office Action, the Examiner has required restriction to one of the following inventions, with their subject matter as summarized by the Examiner:

Invention I: Claims 1-11, drawn to rewarding for attention;

Invention II: Claims 12-19, drawn to identifying a user at a location and rewarding the user;

Invention III: Claims 20-30, drawn to awarding based on time of an event and identification of the user with connection to the event;

Invention IV: Claims 31-32, drawn to entering a lottery;

Invention V: Claims 33-35 and 41-44, drawn to enrolling individuals in a reward program and permitting redemption;

Invention VI: Claims 36-40, drawn to determining category to which an individual has been assigned; and

Invention VII: Claims 45 and 46, drawn to receiving identification from a client upon establishment of connection to a network resource.

Applicant elects Invention VII, claims 45 and 46, without traverse.

Applicant notes that, while the wording "receiving identification information relating to the individual from a client upon the establishment of a connection between the client and a network resource" appears in claim 45, the wording "drawn to receiving identification from a client upon establishment to a network resource" should not be viewed as characterizing the invention as recited in claims 45 and 46.